

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1531 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

CHELABHAI BURABHAI DESAI

Versus

STATE OF GUJARAT

Appearance:

MR MC BAROT for Petitioner

MR HH PATEL, APP, for Respondent No. 1

MR YOGESH S LAKHANI for Respondent No. 2, 3

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 08/02/2000

ORAL JUDGEMENT

1. Heard Mr. M.C. Barot, learned advocate for the
petitioner, Mr. H.H. Patel, learned Additional Public
Prosecutor, for respondent No.1 and Mr. Prechhak for Mr.

Lakhani, learned advocate for respondents No.2 and 3.

2. Mr. Barot has taken this Court through the impugned order as well as the medical certificates and the allegations made against the accused persons. According to him, the learned Sessions Judge ought not to have granted bail, in light of the medical evidence. He, therefore, urged that the bail may be cancelled.

3. Settled position of law, as it stands today, is that for cancellation of bail, overwhelming and cogent reasons are to be indicated. The criteria for grant or rejection of bail are different from the criteria for cancellation of bail. Mr. Barot is at loss to indicate any material good enough to convince this Court for cancellation of bail. No allegation of misuse of bail is made. In this view of the matter, this application does not merit allowance and the same, therefore, stands dismissed. Rule is discharged.

[A.L. DAVE, J.]

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